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PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

May 28, 2008

Applicant: Hozumi TANAKA

For: METHOD OF AND APPARATUS FOR MOLDING A POLARIZING FILM

Serial No.: 10/674 169 Group: 1791

Confirmation No.: 1955

Filed: September 29, 2003 Examiner: Huson

Atty. Docket No.: 4410.P0626US

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

LETTER TRANSMITTING APPEAL BRIEF FEE

Enclosed is Appellant's check in the sum of \$255.00, representing payment of the Appeal Brief fee. The Commissioner is hereby authorized to charge any additional fee which may be required by this paper, or to credit any overpayment, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

IN DUPLICATE


Terryence F. Chapman

TFC/smd

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on May 28, 2008.


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Reg. No. L0379*

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Appellant's Brief on Appeal
Claims Appendix
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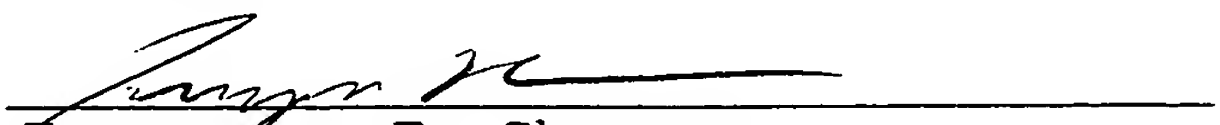

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APPELLANT'S BRIEF ON APPEAL

Sir:

Appellant respectfully appeals the decision of the Examiner dated March 12, 2008 finally rejecting Claim 1.

REAL PARTY IN INTEREST

Tanaka Optical Kogyo Kabushiki Kaisha is the assignee of the present application and the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences to the present application.

STATUS OF CLAIMS

Claim 1 is pending in the present application and is the claim under consideration on appeal. Claims 2-7 have been withdrawn from consideration.

The Amendment After Final Rejection dated February 29, 2008 has not been entered by the Examiner.

SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention, as defined by independent Claim 1, is directed to a method of molding a polarizing film which comprises the steps of applying a colored polarizing film to a

molding face of a mold, allowing the polarizing film to be sucked onto the molding face by vacuum suction to mold a colored concave and convex polarizing film, setting a tensile of the polarizing film in a certain direction to be less than a tension of the polarizing film in a direction perpendicular to the certain direction, stretching the polarizing film at a position on a line of the diameter of the mold and parallel with the certain direction less than stretching at other positions to thereby allow the color of the polarizing film at the position where the stretching of the polarizing film is less to be deeper and form a reference mark in a polarizing direction (specification page 1, fifth paragraph through specification page 2, lines 1 and 2).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant respectfully requests review of the rejection of Claim 1 under 35 USC 103(a) as being unpatentable over Cameron in view of Tasaka et al.

ARGUMENT

As stated in the Summary of the Claimed Invention, the present invention is directed to a method of molding a polarizing film in which a reference mark in a polarizing direction is formed in the polarizing film. In the present invention, a color polarizing film is applied to a molding face of a mold, the polarizing film sucked onto the molding face by vacuum suction to mold a colored concave and convex polarizing film, the tensile of the polarizing film set in a certain direction to be less than the tension of the polarizing film in a direction perpendicular to the certain direction, the polarizing film stretched at a position on a line with the diameter of the mold parallel with the certain direction less than in other positions to allow the color of the polarizing film at the position where the stretching of the polarizing film is less to be deeper and form the reference mark in the polarizing direction. This enables the

formation of a reference mark on a polarizing film during a process of molding the polarized film and can be used for large item small scale production of the polarizing film. It is respectfully submitted that the prior art cited by the Examiner does not disclose the presently claimed invention.

The Cameron reference discloses a method of manufacturing a print pad having a surface textured for printing on a highly polished surface such as a contact lens or a contact lens mold. This reference discloses that a planar sheet of plastic 16 is thermal-formed or vacuum-formed on a male mold with a textured surface 22 directed toward the mold. When a male mold 24 is used, stretching results in the plastic sheet 16 and an annular area 26 surrounding the center 28 of the mold without significantly stretching the plastic 16 which makes up the center portion. The thermal-forming or vacuum-forming process in which the heated plastic 16 and the heated surface 22 is draped over the surface of the male mold is said to not result in the melting away of the texturing of the surface 22.

The Cameron reference has been cited by the Examiner as disclosing that it is known to carry out a method of molding a film comprising the steps of applying a colored film between a molding face of a mold, allowing the film to be sucked onto the molding face by a vacuum suction to mold a colored concave and convex film and stretching the film at a position on a line of the diameter of the mold in parallel with a certain direction less than stretching at other positions to thereby allow the color of the film at the position where the stretching of the film is less to be deeper and form a reference mark in a direction. The Examiner then further states that Cameron does not specifically show forming a polarizing film or setting a specific tension to the film.

First of all, Appellant can find no disclosure in Cameron which shows that a reference mark is formed on the plastic sheet 16 while the plastic sheet is applied to a mold. In this reference, the texturized surface in the plastic sheet is formed by passing the plastic sheet 16 through a pair of

rollers 18, 20 with the roller 18 having a textured surface for imparting texture to one surface 22 of the sheet of plastic 16. This texturized sheet of plastic is then used to form the mold it self by thermal-forming it on a male mold 24 without losing the texturized surface. That is, the texturized surface is formed on the planar sheet of plastic 16 before the plastic sheet is thermal-formed or vacuum-formed on a male mold. Moreover, there is no disclosure in this reference regarding the formation of a reference mark or the plastic sheet 16 being polarized let alone a reference mark formed in a polarizing direction. Therefore, the secondary reference cited by the Examiner must provide the motivation to one of ordinary skill in the art to modify Cameron in a manner that would yield the presently claimed invention. It is respectfully submitted that the secondary reference contains no such disclosure.

The Tasaka et al reference discloses a manufacturing method for a cellulose ester film which comprises the steps of casting a cellulose ester dope containing a solvent made up of a good solvent and a poor solvent on a support to form a web, peeling the web from the support, transferring the peeled web, folding the edges in the transverse direction of the web, stretching the resulting web in the transverse direction while applying a tension, reducing the tension in the transverse direction of the web and drying the stretched web. This reference has been cited by the Examiner as disclosing that it is known to carry out a method of forming a polarizing film including setting a tensile of the polarizing film in a certain direction less than a tension of the polarizing film in the direction perpendicular to the certain direction and, as such, that it would have been obvious to use the varied tension amounts in this reference during Cameron's molding process to obtain a biaxially-stretched film prior to the thermal forming process.


What the Tasaka et al reference actually discloses is the application of a tensile difference between the traveling

direction of the film in a direction perpendicular to the traveling direction to give a polarization to the film to thereby manufacture the polarizing film. In this reference, the application of the tensile difference is used to add polarization to the film and is not applied after the polarizing film has been manufactured to mold it in a specific shape. Moreover, since Cameron is not concerned with the manufacture of a polarizing film, there is no reason why one of ordinary skill in the art would use the teachings of Tasaka et al in combination with Cameron in order to form a polarized sheet as opposed to the textured sheet shown there. Additionally, there is a lack of teaching in both references as to how the processed disclosed there, even if combined would provide a reference mark in a polarizing direction. The Examiner has simply selected bits and pieces out of the two references and combined them while disregarding the teachings of the references as a whole. As such, it is respectfully submitted that the Examiner has not even made a proper showing of prima facie obviousness under 35 USC 103(a) of the presently claimed invention.

CONCLUSION

For the reasons advanced above, it is respectfully submitted that the Examiner's rejection of Claim 1 under 35 USC 103(a) over Cameron in combination with Tasaka et al is clearly in error and should be reversed. Favorable consideration is respectfully solicited.

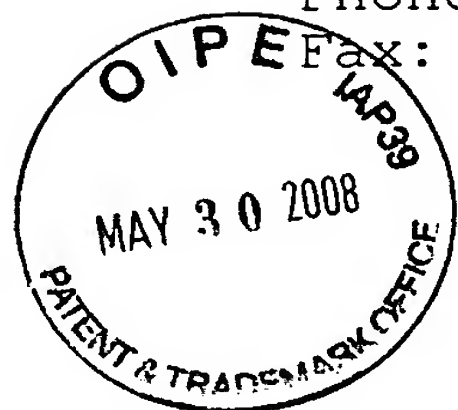
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Encl: Claims Appendix
Evidence Appendix
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CLAIMS APPENDIX

1. A method of molding a polarizing film comprising the steps of:

applying a colored polarizing film to a molding face of a mold;

allowing the polarizing film to be sucked onto the molding face by vacuum suction to mold a colored concave and convex polarizing film;

setting a tensile of the polarizing film in a certain direction to be less than a tension of the polarizing film in a direction perpendicular to the certain direction;

stretching the polarizing film at a position on a line of the diameter of the mold in parallel with the certain direction less than stretching at other positions to thereby allow the color of the polarizing film at the position where the stretching of the polarizing film is less to be deeper and form a reference mark in a polarizing direction.

EVIDENCE APPENDIX

There is no extrinsic evidence.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.